

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: VNM35437
Country: Vietnam
Date: 28 September 2009

Keywords: Vietnam – Censorship of political cartoons – Arts censorship – Obtaining a passport in 2006 – Exit checks

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Questions

- 1. Please provide information on the authorities' treatment of cartoonists and others who produce drawings critical of the government.**
- 2. Are there any reports indicating that people are targeted by the authorities for producing, possessing or selling symbols associated with the US?**
- 3. Would a person with a dissident profile face any difficulties in obtaining a passport and exiting Vietnam?**

RESPONSE

- 1. Please provide information on the authorities' treatment of cartoonists and others who produce drawings critical of the government.**
- 2. Are there any reports indicating that people are targeted by the authorities for producing, possessing or selling symbols associated with the US?**

A search of the sources consulted found no information specifically on the authorities' treatment of cartoonists who produce works critical of the government or of artists whose work incorporates symbolism associated with the US. Sources do indicate, however, that the authorities have exercised censorship of the press and the visual arts throughout the period from 1999 to the present.

The following information focuses on the years 1999 and 2002, and the situation since 2007.

Government and NGO reports

The US Department of State's *Country Report on Human Rights Practices for 1999 – Vietnam* noted that all print media was controlled by the government or by organisations controlled by the Communist Party of Vietnam (CPV). The report observed that, while the media did publish articles critical of government or party actions, freedom to do so was restricted. Similarly, artists were allowed "some latitude in choosing the themes of their

works”, but works were censored if considered critical of the government. According to the report:

The Constitution provides for freedom of speech and of the press; however, the Government severely limits these freedoms, especially concerning political and religious subjects. Reporters and editors practiced self-censorship concerning sensitive subjects. A new press law, passed by the National Assembly in May, provides for monetary damages to be paid by journalists to individuals or organizations who are harmed by reporting, regardless of whether the reports are true or false. The media continued to publish articles that criticized party and government actions; however, the freedom to criticize the Communist Party and its leadership continued to be restricted.

Both the Constitution and the criminal code include broad national security and antidefamation provisions that the Government used to limit such freedoms strictly. The Party and Government tolerate public discussion and permit somewhat more criticism than in the past. In December the Government established a mechanism for citizens to petition the Government with complaints. Citizens could and did complain openly about inefficient government, administrative procedures, corruption, and economic policy. However, the Government imposed limits in these areas as well.

...

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the Party, criticize individual government leaders, promote pluralism or multiparty democracy, or questioned the regime’s policies on sensitive matters such as human rights. The few persons who spoke out on these matters, such as Nguyen Dan Que and Thich Quang Do, were subjected to questioning and close monitoring by security officials...

The Party, the Government, and party-controlled mass organizations controlled all print and electronic media. The Government exercises oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. With apparent party approval, several newspapers published reports on high-level government corruption and mismanagement as well as sometimes-heated debate on economic policy.

...

The Government allowed artists some latitude in choosing the themes of their works. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country. Artists are not allowed to exhibit works of art that censors regard as criticizing or ridiculing the Government or the Party (US Department of State 2000, *Country Reports on Human Rights Practices for 1999 – Vietnam*, February, Section 2(a) – Attachment 1).

The US Department of State report for 2002 noted that:

The Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views...

...

Persons arrested for the peaceful expression of views opposed to official policy were subject to charge under any one of several provisions in the Criminal Code that outlaw acts against the State. During the year, at least two persons – Pham Hong Son and Nguyen Vu Binh – who peacefully had expressed political views, were detained and continued to be under investigation at year’s end (see Sections 2.a. and 2.b). At least two others – Le Chi Quang and Nguyen Khac Toan – were arrested and convicted during the year. In August, several villagers from the Central Highlands were detained and/or arrested (see Section 1.b.). On

September 25, police arrested former journalist and writer Nguyen Vu Binh. Nguyen wrote articles that called for political reform and criticized government policy. His whereabouts, and the charges against, him were unknown at year's end. On November 8, Le Chi Quang was convicted of disseminating anti-state information and sentenced to 4 years in prison and 3 years of administrative probation.

With regard to freedom of the press, the report for 2002 echoed the 1999 report in stating that the freedom of the press provided for in the Constitution was, in fact, severely limited:

The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms, especially with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms. During the year, reporters and editors practiced self-censorship. A press law provides for monetary damages to be paid by journalists to individuals or organizations harmed by reporting, even if the reports are true. This law poses a threat to investigative reporting. Several media outlets continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the Communist Party and its highest leadership remained restricted. Nonetheless, there were press reports about topics that generally were considered sensitive.

The Party and Government tolerated public discussion on some subjects and permitted somewhat more criticism than in the past. The law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. Senior government and party leaders traveled to several provinces to try to resolve citizen complaints. However, the Government imposed limits in these areas as well.

...

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the Party, to criticize individual government leaders, to promote pluralism or multiparty democracy, or to question the regime's policies on sensitive matters such as human rights or the border agreement with China. There continued to be an ambiguous line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas which they would not tolerate. On January 8, police detained democracy activist Nguyen Khac Toan. Toan had distributed leaflets advocating reforms and had spoken to demonstrators outside of the National Assembly during its December 2001 session. On December 20, a court convicted Toan for espionage and sentenced him to 12 years' imprisonment followed by 4 years' administrative detention (see Section 1.d.). Le Chi Quang authored several articles and essays advocating democracy and criticizing the border agreement with China. He posted a number of these writings to the Internet and was detained in an Internet cafe on February 21 in Hanoi. On November 8, he was tried and sentenced to 4 years in prison and 3 years' administrative detention for disseminating anti-state documents. In February and March, Pham Hong Son translated a number of English-language articles about democracy into Vietnamese and posted them on the Internet. On March 29, he was detained and placed under investigative detention for espionage-related charges. In July and August, police repeatedly summoned democracy activist Nguyen Vu Binh, a former journalist, for questioning. He was under close police surveillance for several weeks afterwards before being summoned for questioning again for several days in September and finally arrested on September 25. In February 2001, biologist Ha Sy Phu, who was cleared on earlier charges of treason, was placed under administrative probation for writing articles calling for democracy...

...

The Government generally allowed artists broader latitude than in past years in choosing the themes for their works, although artists were not allowed to exhibit works of art that censors regarded as criticizing or ridiculing the Government or the Party. Many artists received

permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country (US Department of State 2003, *Country Reports on Human Rights Practices for 2002 – Vietnam*, March, Sections 1(d) and 2(a) – Attachment 2).

The US Department of State report on human rights practices for 2007 similarly observed that “[t]he government generally exercised controlled over art exhibits, music, and other cultural activities; however, it generally allowed artists broader latitude than in past years to choose the themes for their works” (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Vietnam*, March, Section 2 – Attachment 3).

The Human Rights Watch report on events in Vietnam in 2007 stated that “2007 was characterized by the harshest crackdown on peaceful dissent in 20 years”. No reference was made to visual artists having been targeted in the crackdown. According to the report:

The government, emboldened by international recognition after joining the World Trade Organization in late 2006, moved to suppress all challenges to the Vietnamese Communist Party (VCP) by arresting dozens of democracy and human rights activists, independent trade union leaders, underground publishers, and members of unsanctioned religious groups. This reversed a temporary easing of restrictions in 2006, prior to Vietnam’s hosting the Asia-Pacific Economic Cooperation summit, when independent activism and opposition political parties had surfaced.

Of nearly 40 dissidents arrested since the crackdown began, more than 20 were sentenced to prison in 2007, most under Penal Code article 88, conducting anti-government propaganda. In March Roman Catholic priest Nguyen Van Ly, a founder of the Bloc 8406 democracy group, was sentenced to eight years in prison. Others sentenced included human rights lawyer Nguyen Van Dai, labor activist Tran Quoc Hien, and at least five opposition party members. Members of independent churches were also imprisoned. Le Tri Tue of the Independent Workers’ Union “disappeared” in May after claiming political asylum in Cambodia with the United Nations High Commissioner for Refugees (UNHCR). He was presumed to have been abducted and sent to prison in Vietnam (Human Rights Watch 2008, *World Report 2008 – Vietnam*, January – Attachment 4).

Amnesty International has similarly observed that:

Following the hosting of the APEC summit in November 2006 and the conclusion of major international trade agreements, a crackdown on peaceful dissent and freedom of expression and association intensified. At least 35 people, among them lawyers, trade unionists, religious leaders and internet dissidents, were arrested between November 2006 and the end of 2007, an increased number over previous years. Most had connections to Bloc 8406, a movement calling for peaceful political change and respect for human rights. Nineteen among the 35 were known to have been tried and sentenced under vaguely worded and repressive national security legislation used to criminalize peaceful political dissent (Amnesty International 2008, *Amnesty International Report 2008 – Vietnam*, 28 May – Attachment 5).

The US Department of State’s most recent report on human rights practices in Vietnam, *Country Reports on Human Rights Practices for 2008 – Vietnam*, observed a “general crackdown on press freedom throughout the year”, but also noted – as in previous years – that the government had “generally allowed artists broader latitude than in past years to choose the themes for their works”. According to the report:

The law provides for freedom of speech and of the press; however, the government continued to restrict these freedoms, particularly with respect to speech that criticized individual government leaders, promoted political pluralism or multiparty democracy, or questioned policies on sensitive matters such as human rights, religious freedom, or border disputes with China. The line between private and public speech continued to be arbitrary.

Both the constitution and the criminal code include broad national security and antidefamation provisions that the government used to restrict freedom of speech and of the press. The criminal code defines the crimes of “sabotaging the infrastructure of Socialism,” “sowing divisions between religious and nonreligious people,” and “conducting propaganda against the Socialist Republic of Vietnam” as serious offenses against national security. The criminal code also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the State and social organizations.”

...

The CPV, government, and party controlled mass organizations controlled all print, broadcast, and electronic media. The government exercised oversight through the Ministry of Information and Communication (MIC) and supplemented its control through pervasive party guidance and national security legislation sufficiently broad to ensure effective self censorship by the domestic media. Beginning in March a government “rectification” campaign led to financial audits of many newspapers and imposed restrictions on the media’s ability to conduct public outreach programs, including charities and scholarships. Those in the media widely interpreted the actions as an effort by authorities to limit further the independence and influence of the media.

Despite the continued growth of Internet blogs, there was a general crackdown on press freedom throughout the year, resulting in the firings of several senior media editors and the arrest of two reporters. These actions dampened what had previously been a trend toward more aggressive investigative reporting.

On May 12, police arrested reporters Nguyen Viet Chien of the daily newspaper Thanh Nien and Nguyen Van Hai of the daily newspaper Tuoi Tre for “abusing power in carrying out their official duties” in connection with their 2006 reports on a major corruption scandal at the Ministry of Transportation’s Project Management Unit Number 18 (PMU-18). The state press and the public voiced strong opposition to the arrests. However, after two days of heavy coverage of the arrest, the Ministry of Culture and Information directed the media to stop reporting the story. Print and broadcast media obeyed this decision, but some bloggers continued to criticize the arrests. The charges against the journalists later were changed to “abusing democratic freedoms,” and on October 15, the two were tried and convicted. The court sentenced Nguyen Viet Chien to two years in prison and Nguyen Van Hai to a two-year noncustodial “reeducation” sentence.

In July Tuoi Tre and Thanh Nien each replaced a senior editor. The newspapers portrayed the moves as routine, although sources stated that the two editors were demoted for publishing stories on corruption. In August the government revoked the press cards of seven journalists from state-controlled newspapers for “lack of responsibility” in connection with their reports on the PMU-18 scandal.

...

During the year the government also continued to restrict press stories critical of China's actions over disputed islands in the South China Sea and supposed military plans to invade Vietnam. The editor in chief of a major online news outlet fined in December 2007 for a controversial editorial regarding the South China Sea remained in his job, despite warnings that he would be removed.

The law requires journalists to pay monetary damages to individuals or organizations who have their reputations harmed as a result of journalists' reporting, even if the reports are true. Independent observers noted that the law severely limited investigative reporting. There were press reports on topics that generally were considered sensitive, such as the prosecution on corruption charges of high ranking CPV and government officials, as well as occasional criticism of officials and official associations. Nonetheless, the freedom to criticize the CPV and its senior leadership remained restricted.

...

The government controlled art exhibits, music, and other cultural activities; however, it generally allowed artists broader latitude than in past years to choose the themes for their works (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Vietnam*, February, Section 2(a) – Attachment 6).

Media sources

Amongst the media sources consulted, information relating to the visual arts in Vietnam since 2007 indicates a somewhat uneven response by the authorities to the exhibition of artworks that depart from traditional subjects. Reports generally indicate some limited freedom for artists to make social and political comment in their work, but also indicate that works which may be interpreted as making adverse comment on the government, or that are otherwise “potentially subversive”, are likely to be censored. Reportedly, censorship by the authorities has caused works to be removed from exhibition and increased self-censorship by artists.

In August 2006 – in the period leading up to Vietnam's ascension to the WTO – an article published in the Taipei Times noted that a “new generation of more edgy artists [was] emerging in Hanoi”, and referred to uncensored works which “touch on the country's bloody history without being overtly political”:

Despite... the heavy hand of state censorship – Vietnamese artists still need state permits to mount exhibitions – not all is gloomy.

A new generation of more edgy artists is emerging in Hanoi, and increasingly in the bustling southern commercial hub of Ho Chi Minh City, eager to adapt their styles to depict the rapidly changing society around them.

The surrealist works of one rising star, Hanoi's Nguyen Manh Hung, touch on the country's bloody history without being overtly political, using images such as military jets pulling carts filled with rice stalks (‘Vietnamese art: A victim of its own success’ 2006, *Taipei Times*, 17 August <http://www.taipetimes.com/News/feat/archives/2006/08/17/2003323613> – Accessed 23 September 2009 – Attachment 7).

Conversely, a *BBC News* article dated 1 December 2006 reported that the authorities had clamped down on work portraying non-traditional subjects for being “potentially subversive”, even though not overtly politically:

None of the three has produced anything overtly political, but their portrayal of subjects outside the traditional themes of love for family and nation was enough for the authorities to clamp down on them for being potentially subversive.

...

“There are very few artists who are really dissidents, and even then they are extremely cautious about what they do.”

In fact, many of Hanoi's contemporary artists and writers feel that Vietnam is less advanced in terms of artistic freedom than neighbouring communist China ('Vietnam art scene slowly revives' 2006, *BBC News*, 1 December <http://news.bbc.co.uk/2/hi/asia-pacific/6186608.stm> – Accessed 23 September 2009 – Attachment 8).

A *Voice of America* report dated 12 February 2007 noted that, although the Vietnamese art scene still faced government censorship, "rules on self-expression have loosened somewhat over the past several years". It was reported that a Vietnamese artist's installation which commented on police corruption was removed from an exhibition at the Goethe Institute in Hanoi, following a request by the authorities. According to the report:

In Vietnam, where the government limits free expression, a comment on police corruption is risky. The exhibit went up on January 10. The police response came soon afterward.

"Two days later I got a call, I was in Saigon, I got a call: the police have asked us to remove these two pieces," he said.

The authorities wanted both Vietnamese artists' pieces taken down, saying that the institute had only asked for permission to show German works. To avoid trouble, the artists agreed.

...
Censorship is not immediately apparent on visiting an art gallery. Vietnamese artists are free to address personal themes, and even are allowed to make subtle social criticisms.

But the Ministry of Culture must approve any art project or exhibition, which slows the art scene down and frustrates international contacts.

...
The Goethe Institute's Augustin says Vietnam must move beyond what he calls "ridiculous, petty censorship." For foreign observers and Vietnamese artists, the reaction to Tan's giant diaper is a sign that change is not going to come soon [sic] (Steinglass, M. 2007, 'Vietnamese Art Flourishes Despite Censorship', *Voice of America News*, 12 February <http://www.voanews.com/english/archive/2007-02/2007-02-12-voa32.cfm> – Accessed 23 September 2009 – Attachment 9).

An article dated 1 November 2007 in *Time Magazine* mentioned self-censorship and the "narrow margins" within which artists can operate in Vietnam. The article referred to the removal of Truong Tan's work from the Goethe Institute exhibition, discussed in the preceding article, and to the authorities having intervened, in 2005, to prevent a high-profile artist who had "encouraged young artists to explore challenging social themes" from travelling to a contemporary art festival in southern China. According to the article:

in Vietnam political expression is so perilous that self-censorship has become an art form among even the most daring painters. Those who do try to cross the line face swift punishment. Tran Luong is one of the country's so-called Gang of Five contemporary artists who first gained international notice in the 1990s for his underwater abstracts. Lately, he has concentrated on performance and video art, documenting the lives of coal miners and street children left out of Vietnam's experiments with the free market. For the past few years, Luong has also encouraged young artists to explore challenging social themes instead of pumping out bland but commercially successful landscapes. Two years ago, he tried to take a group of students to a contemporary-art festival in southern China. Vietnamese authorities stopped them at the border. "The immigration police told me I was not a real artist, so there was no way I could be allowed to go abroad for artistic purposes," recalls Luong, who continues to be hassled by the authorities. Another artist who battles the censors is Truong Tan, who often explores homosexual themes in his Matisse-influenced paintings. Earlier this

year, an installation in which Tan constructed a 2-m-high diaper out of police uniforms was promptly shut down. The threat of official interference means that many Hanoi galleries – there are dozens in the art-mad town – prefer to trade in naive village scenes that feel almost deliberately apolitical.

Still, some Vietnamese artists manage to exhibit thought-provoking works. Born in remote mountains that are home to disenfranchised ethnic minorities, Dinh Thi Tham Poong tweaks traditional folk art with contemporary touches. Her canvases capture the tensions between the natural world and the onslaught of Vietnam's economic reforms – all without appearing overtly political. The country's censors likely have a hard time understanding that Poong's whimsical figures scattered across traditional handmade paper could possibly be making a social statement. But it is only in such narrow margins that Vietnam's artists can safely operate (Beech, H. 2007, 'The Color of Money', *Time Magazine*, 1 November <http://www.time.com/time/magazine/article/0,9171,1678667-1,00.html> – Accessed 23 September 2009 – Attachment 10).

An article published in *The Nation* in January 2008 observed that few dissenters in Vietnam have chosen to criticize the government openly, and made reference to artists having “cloaked their critiques in layers of symbolism”:

The Communist Party maintains strict one-party rule in Vietnam. It prohibits political opposition, owns and operates the domestic media, and tightly controls most aspects of the country's civic life. It deals swiftly and harshly with its critics, who have been rare since the North forcibly reunited the country in 1975. Those who have dissented tended to be lone intellectuals who published secret newsletters for tiny audiences, or artists who cloaked their critiques in layers of symbolism. To criticize the government openly was to sign up for a life of isolation and prison, a path few chose (Roasa, D. 2008, 'Letter from Vietnam', *The Nation*, 25 January – Attachment 11).

An article published in the *New York Times* on 21 May 2008, reviewing an exhibition of post-1990 Vietnamese art at the Singapore Art Museum, observed that:

Though Vietnamese artists have more freedom today, it is not complete, which might explain why most of the work is not politically engaged.

...

Still, a few of the works on display at the Post-Doi Moi exhibition show that some Vietnamese artists are trying to push the country's boundaries in term of social and political commentary. Le Quang Ha's giant gray canvas “The Dictator” (2003) shows a man with eight arms extending menacingly toward the viewer against a background of industrial machinery. Ha's works are often a commentary on corruption and greed, and are regularly populated with police and military officers (Kolesnikov-Jessop, S. 2008, '3 generations of Vietnamese artists and their memories of war', *The New York Times*, 21 May <http://www.nytimes.com/2008/05/23/arts/23iht-JESSOP.1.13089671.html> – Accessed 23 September 2009 – Attachment 12).

A *Newsweek* article from July 2008 noted that “censorship of the arts remains rife in Vietnam”, in a report focussing on the emergence of “underground” performance art as an art form which more easily evades government control (Kolesnikov-Jessop, S. 2008, 'Words Cannot Express', *Newsweek*, 7-14 July <http://www.newsweek.com/id/143667> – Accessed 22 September 2009 – Attachment 13).

An article dated 23 July 2008, sourced from *Deutsche Presse Agentur*, referred to the press in Vietnam as “increasingly open”, but that artists “must still submit their work to censors for

review”. The article observed that “government officials still took a simplistic, didactic view of the arts, preferring they serve as moral or political instruction – in short, propaganda”, and cited the view of one artist and curator that “the censorship issue is in many different layers... Every official layer can show their own regulation and make you explain your work”.

According to the article:

Vietnam’s press is increasingly open, with newspapers competing to pursue critical stories in order to win readership and advertising. But officially, every newspaper must be sponsored by a recognized government body.

The popular, hard-hitting investigative papers Thanh Nien and Tuoi Tre are officially issued by the Vietnam Youth Federation and the Communist Youth League of Ho Chi Minh City, both part of the Communist Party.

The press may clash with the leadership, as the editors of Thanh Nien and Tuoi Tre did in May, when two of their reporters were arrested for covering a corruption story too aggressively. But they must also obey Vietnam’s Press Law, which forbids publishing ‘contents opposing the State of the Socialist Republic of Vietnam and undermining the entire people’s unity bloc.’

The government determines what is ‘in accordance with the interests of the country.’ Editors meet regularly with representatives of the state’s Ideology Committee to discuss which stories the government wants emphasized and which are off-limits.

The country’s press law is scheduled for revision in 2009 to cope with the integration of business and media, but government officials said media organs are not to be private businesses.

Meanwhile, other areas of Vietnamese information culture are becoming increasingly open and commercialized. In the past two years, major film distributors have arrived in Vietnam and Hollywood releases... are shown with only minor cuts.

Vietnamese filmmakers, as well as artists and songwriters, must still submit their work to censors for review, putting local artists at a disadvantage.

‘We face the censorship issue in many different layers, down to the bottom layer, which is that Vietnamese artists have a kind of psychological sickness of self-censorship,’ said artist and curator Tran Luong. ‘In order to survive, you become dumb.’

Luong said the major problem is the lack of legal transparency. ‘It’s a very unclear environment with the law, and everything is very mysterious. Every official layer can show their own regulation and make you explain your work.’

Artists said government officials still took a simplistic, didactic view of the arts, preferring they serve as moral or political instruction – in short, propaganda (‘In Vietnam, propaganda dares speak its name’ 2008, *Deutsche Presse Agentur*, 23 July – Attachment 14).

An *Agence France Presse* article dated 14 April 2009 reported that an exhibition of paintings of nudes was censored by Hue’s Department of Culture, Sports and Tourism, notwithstanding that the exhibition had previously been approved by the provincial art association. In the case

reported, the censoring authorities reportedly had found that some of the paintings were “inappropriate to Vietnamese habits and custom”:

Authorities in conservative Vietnam have refused to allow an exhibition of nude paintings because they are “inappropriate” for the society, an online report said Tuesday.

The Department of Culture, Sports and Tourism in the central city of Hue refused a licence for painter Nguyen Kim Dinh to exhibit 12 nude paintings, the VietNamNet news website said.

Dinh could not be reached and the culture department declined to comment when contacted by AFP.

His exhibit was approved by the Thua Thien-Hue provincial art association but Hue’s culture department then ruled that some of the paintings “don’t meet artistic standards and are inappropriate to Vietnamese habits and custom,” VietNamNet reported.

It quoted Dinh as saying the culture department’s rejection arrived two days before the exhibition’s planned opening on April 10, forcing him to take down the paintings which had already been hung (‘Nude art show banned in Vietnam: report’ 2009, *Agence France Presse*, 14 April – Attachment 15).

No more specific information regarding the censorship of works whose subject matter was considered culturally or politically inappropriate was found amongst the sources consulted.

3. Would a person with a dissident profile face any difficulties in obtaining a passport and exiting Vietnam?

Sources indicate that some limits have been imposed by the Vietnamese authorities on freedom of movement for persons with a dissident profile.

Advice provided by the Australian Department of Foreign Affairs and Trade (DFAT) in September 2004 indicated that requirements for exit and entry visas for Vietnamese nationals were removed in March 2000, and that control procedures have since relied on passport issuance and screening against blacklists at the point of departure:

The legal procedures governing entry and exit procedures for Vietnamese nationals were changes in three incremental steps. Decree 48 CP on Passports and Visas of 8 July 1993 abolished the requirement for entry visas for Vietnamese nationals leaving Vietnam for a defined period. Decision 957/1997/QD-TTG of 11 November 1997 abolished the exit visa requirement for Vietnamese nationals. Finally, Decree 05/2000/ND-CP of 3 March 2000 (‘Government Decree on Exit, Entry of Vietnamese Citizens’) removed all requirements for both exit and entry visas for Vietnamese nationals.

... Ministry of Public Security (Immigration) controls procedures for Vietnamese nationals exiting Vietnam. This is done through both passport issuance and screening at border exit points. To obtain a passport, a Vietnamese national must lodge Form TK1, with photo attached, and his/her ID and household registration documents at the local (ie, city or provincial) immigration department. Once he/she has obtained a passport, it can be used to exit the country. He/she will be screened against ‘black lists’ held at border points (in a manner similar to procedures used by other countries) (DIMIA Country Information Service 2004, *Country Information Report No. not yet allocated/04 – Exit Visas for Vietnamese*

Nationals (sourced from DFAT advice of 13 September 2004), 14 September – Attachment 16).

The US Department of State's report on human rights practices in Vietnam for 2006 observed that "the government imposed some limits on freedom of movement":

Although the government no longer required citizens traveling abroad to obtain exit or reentry visas, the government sometimes refused to issue passports. In the past the government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad. Authorities continued to deny political activist Tran Khue a passport to travel to Europe and the United States. However, provincial governments in the Central Highlands consistently facilitated the passport issuance and travel of ethnic minority individuals traveling legally to the United States on family reunification visas.

Citizens' access to passports sometimes was constrained by factors such as bribery and corruption. Immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passport issuance based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Vietnam*, March, Section 2 – Attachment 17).

The US Department of State's report on human rights practices in Vietnam for 2007 included the observation that "[s]ome persons who expressed alternative opinions on religious or political issues were not allowed to travel abroad or were denied a passport", and that:

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government imposed some limits on freedom of movement for certain individuals (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Vietnam*, March, Section 2 – Attachment 3).

The US Department of State's report on human rights practices in Vietnam for 2008 similarly noted, at section 2(d) that:

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government imposed some limits on freedom of movement for certain individuals...

Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements, but police allowed them to venture from their homes under surveillance. For example, political dissidents Pham Hong Son and Nguyen Khac Toan, amnestied in 2006, and attorney Le Quoc Quan and journalist Nguyen Vu Binh, amnestied in 2007, continued to be subject to administrative detention in the form of official restrictions on their movements. Although occasionally confined to their homes, they were allowed some movement within Hanoi, but their movements and visits from other dissidents were closely monitored. On September 1, while attempting to travel to meet with foreign parliamentarians, Quan was detained at Hanoi's Noi Bai airport. Authorities canceled Quan's passport and informed him that he was not allowed to travel overseas. Son and Toan also were prohibited from traveling overseas. In Ho Chi Minh City, prominent activists Nguyen Dan Que and Do Nam Hai remained under house arrest. Hai was prevented from meeting with foreign diplomats on at least two occasions.

...

The government refused to issue passports to a number of well-known dissidents...

Officials occasionally delayed citizens' access to passports to extort bribes. Prospective emigrants rarely encountered difficulties in obtaining a passport (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Vietnam*, February, Section 2(d) – Attachment 6).

Amongst the sources consulted, the only report found regarding a visual artist being prevented from exiting Vietnam was in the previously mentioned *Time Magazine* article dated 1 November 2007. That article reported an incident, two years earlier, in which border authorities had prevented a prominent contemporary artist whose themes departed from traditional subjects from attending an arts festival in southern China:

Tran Luong is one of the country's so-called Gang of Five contemporary artists who first gained international notice in the 1990s for his underwater abstracts. Lately, he has concentrated on performance and video art, documenting the lives of coal miners and street children left out of Vietnam's experiments with the free market. For the past few years, Luong has also encouraged young artists to explore challenging social themes instead of pumping out bland but commercially successful landscapes. Two years ago, he tried to take a group of students to a contemporary-art festival in southern China. Vietnamese authorities stopped them at the border. "The immigration police told me I was not a real artist, so there was no way I could be allowed to go abroad for artistic purposes," recalls Luong, who continues to be hassled by the authorities (Beech, H. 2007, 'The Color of Money', *Time Magazine*, 1 November <http://www.time.com/time/magazine/article/0,9171,1678667-1,00.html> – Accessed 23 September 2009 – Attachment 10).

List of Sources Consulted

Internet Sources:

Government Information & Reports

Immigration and Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State website <http://www.state.gov>

United Nations (UN)

UN High Commissioner for Refugees (UNHCR) Refworld

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Reliefweb website <http://www.reliefweb.int>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Freedom House website <http://www.freedomhouse.org/>

Human Rights Watch website <http://www.hrw.org/>

International News & Politics

BBC News website <http://news.bbc.co.uk/>

International Herald Tribune website <http://www.iht.com>

Topic Specific

Art In Asia website <http://www.artinasia.kr>

Asian Art Now website <http://www.asianartnow.com>

HanoiGrapevine <http://hanoigrapevine.com/>

Viet Art Centre <http://www.vietartcentre.vn/>

VietnamArtist.com website <http://www.vietnamartist.com>

Search Engines

Copernic <http://www.copernic.com/>

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

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